IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1569 OF 2005

Kamal Dhondiram Chougule. ... Appellant.
Versus.
Sampat Mahadeo Chougule & others. ... Respondents.

Shri Vijay Mane for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 13th MARCH, 2006.

P.C.:

1. Heard the learned Advocate for the Appellant. The Appellant is the original Plaintiff. The suit was filed by the Appellant claiming right of pre-emption under section 22 of the Hindu Succession Act, 1956. The Courts below have refused to pass decree in favour of the Appellant/Plaintiff on the ground that the Appellant cannot be a class-I heir under the Hindu Succession Act, 1956 of her father-in-law inasmuch as on the date of demise of the father-in-law, the husband of the Appellant was very much alive.

2. In view of this position, no fault can be found with the Courts below when it was held that the Appellant/Plaintiff cannot invoke provisions of section 22 of the said Act of 1956. No substantial questions of law arise. Second Appeal is dismissed.

Judge.